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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/135,024	08/17/1998	MAKI KATO	05905.0056	8790

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EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/135,024

Applicant(s)

KATO ET AL.

Examiner

Jeffery A. Brier

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 February 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see pages 2 and 3.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 17-20.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Jeffery A. Brier
Primary Examiner
Art Unit: 2672

Response to Amendment

1. The after final amendment filed on 02/06/2002 will be entered.

Response to Arguments

2. Applicant's arguments filed 02/06/2002 have been fully considered but they are not persuasive. At page 3 lines 17-22 of applicants specification applicant describes the features that makeup a face are not independent and that when one is changed others are affected and on page 17 lines 1-13 applicant describes the torso polygon as being a reference polygon and the head, wrist, and ankle polygons as component polygons and articulating polygons such as legs and arms are not component polygons since they articulate. Applicant claims reference polygons and component polygons but is not very specific about what they represent. These claimed polygons correspond to the described features of the face. They also correspond to the torso, wrists, and ankles. Miyamoto describes at column 14 line 32 to column 15 line 10 that in forming a moving character the face will be formed with more polygons than the rest of the character's body. The feature making up Miyamoto's character's face would have the same features that applicant described for the face on page 3 lines 17-22. Thus, the face of Miyamoto inherently has a reference polygon (the first polygon forming the face or the polygon forming the face's general outline) and component polygons (the second, third, fourth, etc. polygons) forming the remaining non articulating features of the face. Similarly the torso of the character's body has a large determining factor in determining the position of the character's head, wrists, and ankles. Like applicant,

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Miyamoto's character's torso would greatly determine the location of the other polygons making up the character, thus, the torso is a reference polygon by the mere fact that its position determines the location of the head. Thus, Miyamoto teaches a reference polygon (torso) having component polygons (head) where the component polygon is not an articulating polygon (column 7 line 28, Mario has a head and body). Applicant claims there are no articulating components between the reference polygon and the component polygon. The specification defines articulating components on page 17 lines 11-13. In Miyamoto there are no articulating polygons between the features of the face nor between the head and body (the neck does not articulate). Thus, Miyamoto meets this limitation of the claim. Applicant also claims moving the game character model that includes articulating components. The arms and legs of Mario articulate, thus, Miyamoto teaches moving a game character having articulating polygons, reference polygons and component polygons.

3. Applicant requested a reference be provided for providing evidence that the face has a reference polygon and the body has component polygons. This reference is not needed in view of the above analysis of Miyamoto and applicants claims.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

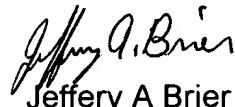
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or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
Art Unit 2672